



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-1370 FAX (603) 271-1381



March 5, 2003

Mr. Barry Currier  
5 Shedd's Avenue  
Nashua, New Hampshire 03060

**CERTIFIED MAIL (7099 3400 0003 0687 1847)**  
**RETURN RECEIPT REQUESTED**  
**NOTICE OF PAST VIOLATION**

**Re: Improper Asbestos Removal at 2-4 Shedd's Avenue, Nashua, NH**

Dear Mr. Currier:

On April 26, 2002 the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received a complaint from the Nashua Health Department that transite siding was being removed from a dwelling located at 2-4 Shedd's Avenue, Nashua, NH (the "Property"). Unlicensed workers were reportedly breaking the asbestos siding off of the building, and the material was being strewn around the Property. At the request of DES, the Health Department halted the work at the Property.

On May 3, 2002, in response to the complaint, a DES inspector went to the Property to determine if asbestos containing material ("ACM") had been disturbed during the renovation project, and to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. As a result of the inspection and of the information gathered, DES has determined that violations occurred.

During the inspection at the Property, the DES inspector found that workers hired by you had removed asbestos siding from the exterior of the building in order to paint the wooden clapboards beneath the siding. John Bianchiani, the Property owner, hired you to paint the dwelling, but did not know that you or your workers would be removing any ACM prior to or during the painting.

During the inspection on May 3, 2002, the DES inspector determined that a written notification was not filed regarding the removal of the ACM, and that safe work practices were not followed. DES wants to make it clear that there are requirements for proper asbestos abatement.

The purpose of this letter is to notify you of the violations discovered during the May 3, 2002 inspection. The specific violations are as follows:

- Env-A 1803.01 requires a facility operator to provide written notification to DES, the EPA Regional office, and the city/town health officer at least 10 working days prior to any major asbestos abatement activity. DES did not receive written notification regarding the removal of the ACM from the 2-4 Shedd's Avenue location.

Env-A 1805 contains specific provisions pertaining to proper handling, removal and disposal of ACM. In particular, Env-A 1805.02 requires personnel involved in any major asbestos abatement projects to be licensed and certified. In addition, Env-A 1805 requires that the operator of a facility at which major asbestos abatement activity will occur, take steps to prevent exposure to asbestos fibers during removal, including isolating the work area and using wet removal methods. Barry Currier is not a licensed abatement contractor in the State of New Hampshire and did not follow required work practice standards during the removal of the ACM.

Alpha Asbestos Abatement, a licensed asbestos abatement contractor, cleaned up the debris and removed the ACM from the Property in conformance with the rules. Accordingly, no further action related to the listed violations is required. However, please be advised that if the presence of ACM is suspected, an inspection for ACM should be conducted prior to initiating any future renovation or demolition activities. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373 or Joseph Ritz, Enforcement Specialist, Air Resources Division, Compliance Bureau, at (603) 271-1391

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/jwr

Enclosure: List of asbestos abatement contractors  
Env-A 1800

cc: M. Harbaugh, DES Legal Unit  
R. Kurowski, EPA Region 1  
J. Hannington-Perkins, NH H&HSD  
H. Peak, Nashua Health Dept.